

REMARKS

Interview Summary

On August 6, 2009, a telephonic interview was conducted between Examiner Olaniran and Marc S. Hanish, Reg. No. 42,626, and Michael J. Ferrazano, Reg. No. 44,105. The Examiner is kindly thanked for granting this interview. During the interview, three novel aspects of the claimed invention were described. The first had to do with identifying more than m filter patterns while limiting the number of filters to m . The Examiner disagreed with the Applicant's contention that this was not taught in King and pointed to Col. 6, lines 42-46 as evidence of this. Applicant agreed to review this section of King in more detail and respond in the present amendment.

The second novel aspect pertained to the fact that the graphic equalizer setting values that are received are associated with a media item. The Examiner argued that an audio signal in King was equivalent to a media item. Applicant pointed out that, even if that was the case, the graphic equalizer setting values are not associated only with the received media item, but rather apply to all media items received until the graphic equalizer setting values are modified. The Examiner agreed that modifying the language of this element of the claims to more specifically recite this aspect would aid in overcoming the rejection.

The third novel aspect pertained to the prioritization of the filters. The Examiner indicated that she was interpreting the word "highest priority" broadly, and Applicant agreed to modify the language to change priority to "weighting" and to make clear that each weighting was assigned based upon the impact that the corresponding filter has on the composite frequency response shape. The Examiner agreed that this would overcome the King reference.

It was therefore agreed that all of these changes/argument would be placed in the present amendment and that the Examiner would conduct a follow-up prior art search upon the filing of the amendment.

Substantive Remarks

Claims 30-39, and 41-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (U.S. 7,123,728).

Claims 40 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (U.S. 7,123,728) in view of Montag et al. (U.S. 7,409,066).

King teaches a graphical user interface that displays a composite curve to make it easier for a user to see visually the impact that changes to individual filter curves will have on the system. Specifically, referring to FIG. 4, each of the first, second, and third filter curves 450, 452, 454 reflect a different filter specified by the user, including a center frequency, band, and gain. The user is able to modify these filter curves visually, by clicking and dragging the center frequency points. A composite curve 448, which is the average of the individual filter curves, is simultaneously displayed on the screen so that the changes to the individual filter curves are immediately reflected in the composite curve. While it is possible to display and modify only the composite curve, as seen in FIG. 8, what is being modified is actually the individual filter curves even though they are not being displayed. For example, in FIG. 8, modifying filter 812 modifies a single individual filter curve that is not currently shown on the screen, and the change is then reflected in the impact it has on the composite curve 804.

King fails to teach or suggest that the graphic equalizer setting values are only associated with the received media item. King's graphic equalizer setting applies to all media items played until the setting is changed. There is no association with a single media item. As such, King fails to teach or suggest "receiving a media item and n-band graphic equalizer setting values only associated with the received media item from a host device."

Furthermore, King fails to teach assigning a weighting to the filters based upon the impact each filter has. In King, no one filter is described as being more important than another filter. While King refers to the individual filter curves as first, second, and third, this is merely for identification purposes. Nothing in King seems to teach or suggest that certain filter curves are given a higher weighting than others, let alone basing such a weighting on how much of an impact the corresponding filter has on the composite frequency response shape. Claims 30, 41, and 45 have been amended to make this distinction more clear.

Lastly, King fails to teach "limiting the number of the plurality of filters to not more than m by selecting the m filters having the highest priorities." King fails to teach actually using fewer filters than there are filter curves/filter settings. If there are three filter curves, there are three filters used. King merely provides an interface that makes it easy to modify

the filter curves and the filters used to implement the curves, but says nothing about using fewer filters than there are filter curves. The Examiner refers to column 6, lines 24-26 as allegedly teaching this element. After further review of this section, however, Applicant maintains that King fails to teach this element. This section of King is describing, albeit confusingly, a composite curve shown when there is only one underlying filter pattern. The confusion arises from King's use of the term "filter" as interchangeable with the term "filter patterns". King describes a GUI where multiple filters can be defined, and the manner in which each is defined is by creating a filter pattern that can be modified by the user. The effect of these multiple filters can be visualized by creating a composite graph of the filters. In cases, such as the cited section, where there is only one filter defined, then the composite curve is simply the sum of a single filter. That is why King states "in this example, the composite curve is identical to the single filter." Therefore, King fails to teach "identifying more than m filter patterns in a composite frequency response shape" and then also "limiting the number of plurality of filters to not more than m", as King has a 1-1 correlation between the number of filter patterns and the number of filters used.

For the above reasons, Applicant respectfully submits that claims 30, 41, and 45 are in condition for allowance.

Dependent claims 31-40, 42-44, and 46-53 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims 31-40, 42-44, and 46-53 are not anticipated or made obvious by the prior art outlined in the Office Action.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER LAW GROUP LLP

/Marc S. Hanish/
Marc S. Hanish
Registration No. 42,626

P.O. Box 1687
Cupertino, CA 95015-1687
408-255-8001